IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

O R D E R

S.B. CIVIL WRIT PETITION NO. 1834/2007
(Bhanu Kumar Vs. State of Rajasthan and Ors.)

Date of Order : 04/04/2007

PRESENT

HON'BLE MR. JUSTICE H.R.PANWAR

Mr. Manoj Joshi for the petitioner.

BY THE COURT:-

By the instant writ petition under Article 226 of the Constitution of India, the petitioner has challenged the Annex.3 dated 27.1.2007. The petitioner being the driver of the bus owned by the respondent Rajasthan State Road Transport Corporation (for short 'the RSRTC' hereinafter) was found carrying passengers without issuing tickets when the bus was checked by the flying squad while it was plying on Jhamar Kothara-Udaipur route. The petitioner agreed to pay the fare for the 30 passengers @ Rs. 2/- per passenger amounting to Rs. 60/-. A note to that effect was made in the Waybill Annex.3.

In my view, the petitioner himself agreed that he was carrying passengers without issuing tickets. Since in the said bus

there was no conductor, it was the responsibility of the petitioner being the driver of that bus to have checked the tickets of the persons boarding the bus and thereafter allow them to travel, whereas the petitioner allowed the passengers to travel without issuing tickets and for his own fault he agreed to deposit Rs. 60/-. In the circumstances, therefore, Annex.3 dated 27.1.2007 in any manner cannot be said to be suffering from any error or illegality warranting interference in the extra-ordinary jurisdiction under Article 226 of the Constitution of India.

The writ petition has no force and it is therefore, dismissed. No order as to costs.

(H.R.PANWAR),J.

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